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13 **Lead Counsel for Plaintiff and the Class**

14
15 **UNITED STATES DISTRICT COURT**
16 **NORTHERN DISTRICT OF CALIFORNIA**
17

18 ADRIAN MONGELI, Individually, And)
19 On Behalf Of All Others Similarly Situated,)

20 Plaintiff,)

21 vs.)

22 TERAYON COMMUNICATIONS)
23 SYSTEMS, INC., ZAKI RAKIB, JERRY)
24 D. CHASE, MARK A. RICHMAN,)
25 EDWARD LOPEZ, RAY FRITZ, CAROL)
26 LUSTENADER, MATTHEW MILLER,)
27 SHLOMO RAKIB, DOUG SABELLA,)
28 CHRISTOPHER SCHAEPE, MARK)
SLAVEN, LEWIS SOLOMON, HOWARD)
W. SPEAKS, ARTHUR T. TAYLOR,)
DAVID WOODROW, and ERNST &)
YOUNG, LLP)

Defendants.)

CASE NO.: 3-06-CV-03936 MJJ

CLASS ACTION

**PROOF OF SERVICE OF AMENDED
SUMMONS AND AMENDED
COMPLAINT ON DEFENDANT ERNST &
YOUNG, LLP**

POS-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): BRAUN LAW GROUP, P.C. 12400 Wilshire Blvd., Suite 920 Los Angeles, CA 90025 TELEPHONE NO.: (310) 442-7755 FAX NO. (Optional): (310) 442-7756 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Plaintiff	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: , CA BRANCH NAME:	
PLAINTIFF/PETITIONER: ADRIAN MONGELI DEFENDANT/RESPONDENT: TERAYON COMMUNICATIONS SYSTEMS, INC.	CASE NUMBER: 3-06-CV-03936 MJJ
PROOF OF SERVICE OF SUMMONS	Ref. No. or File No.:

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
 - a. ☒ summons
 - b. ☒ complaint
 - c. ☐ Alternative Dispute Resolution (ADR) package
 - d. ☐ Civil Case Cover Sheet (served in complex cases only)
 - e. ☐ cross-complaint
 - f. ☐ other (specify documents):
3. a. Party served (specify name of party as shown on documents served):
ERNST & YOUNG LLP
 - b. Person served: ☐ party in item 3a ☒ other (specify name and relationship to the party named in item 3a):
Donna Frazer Office Manager
4. Address where the party was served: **1001 PAGE MILL RD. BLDG 1, SUITE 200
PALO ALTO, CA 94304**
5. I served the party (check proper box)
 - a. ☒ **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): **01/22/2007** (2) at (time): **04:00 pm**
 - b. ☐ **by substituted service.** On (date): at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3b):
 - (1) ☐ **(business)** a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (2) ☐ **(home)** a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (3) ☐ **(physical address unknown)** a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - (4) ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., §415.20). I mailed the documents on (date): from (city): or ☐ a declaration of mailing is attached.
 - (5) ☐ I attach a **declaration of diligence** stating actions taken first to attempt personal service.

PLAINTIFF/PETITIONER: ADRIAN MONGELI	CASE NUMBER:
DEFENDANT/RESPONDENT: TERAYON COMMUNICATIONS SYSTEMS, INC.	3-06-CV-03936 MJJ

- c. ☐ **by mail and acknowledgment of receipt of service.** I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): (2) from (city):
- (3) ☐ with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (Attach completed Notice and Acknowledgment of Receipt.) (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☐ **by other means (specify means of service and authorizing code section):**

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☐ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify):
- c. ☐ as occupant.
- d. ☒ on behalf of (specify): **Ernest & Young, LLP**
under the following Code of Civil Procedure section:

- | | |
|---|---|
| <input type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input checked="" type="checkbox"/> other: Limited Liability Partnership |

7. Person who served papers

- a. Name: **Richard W. Barrett**
- b. Address: **55 Santa Clara Ave., Suite 120 Oakland, CA 94610**
- c. Telephone number: **(510) 419-3940**
- d. The fee for service was: **\$ 75.00**
- e. I am:

- (1) ☐ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☒ registered California process server:
- (i) ☐ owner ☐ employee ☒ independent contractor.
- (ii) Registration No.: **949**
- (iii) County: **Santa Clara**

8. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

9. ☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: **02/01/2007**

INTERCEPTOR, Legal Support Service, Inc.
55 Santa Clara Ave., Suite 120
Oakland, CA 94610
(510) 419-3940

Richard W. Barrett

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)


(SIGNATURE)

1 Michael A. Swick, Esq.
Kim E. Miller, Esq.
2 KAHN GAUTHIER SWICK, LLC
114 E. 39th Street
3 New York, NY 10016
Tel: (212) 920-4310
4 Fax: (504) 455-1498

5 **Attorneys for Proposed Lead Plaintiff**
6 **Movant Adrian G. Mongeli and the Class**

Ernst & Young LLP
7 1001 Page Mill Road, Bldg. 1
Suite 200
8 Palo Alto, CA 94304

9 **Defendant**

10 I served the above document(s) as follows:

11 BY MAIL. I am familiar with the firm's practice of collection and processing
correspondence for mailing. Under that practice it would be deposited with U.S. postal service on
12 that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of
business. I am aware that on motion of the party served, service is presumed invalid if postal
13 cancellation date or postage meter date is more than one day after date of deposit for mailing in an
affidavit.

14 I declare, pursuant to Civil L.R. 23-2, that on the date hereof I served a copy of the above-
15 listed document(s) on the Securities Class Action Clearinghouse by electronic mail through the
following electronic mail address provided by the Securities Class Action Clearinghouse:

16 **scac@law.stanford.edu**

17 I am employed in the office of a member of the bar of this Court at whose direction the
18 service was made.

19 I declare under penalty of perjury under the laws of the United States that the above is true
and correct.

20 Executed on February 23, 2007, at Los Angeles, California 90025.

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23 /S/ LEITZA MOLINAR
Leitza Molinar
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